REMARKS

Claims 1-13 are pending in this application. Claims 12 and 13 have been added. Claims 1, 2, 4, 8, 10, and 11 are independent.

Statement of Substance of Interview

The Examiner is thanked for answering questions regarding the Office Action in a telephone conversation conducted while preparing this response.

Information Disclosure Statement

The Information Disclosure Statement filed January 15, 2004 has not been acknowledged by the Examiner as to consideration of the references cited therein. **Therefore, the Examiner is respectfully requested to provide Applicant with an initialed PTO-1449 Form, indicating consideration of the Information Disclosure Statement submitted January 15, 2004.**

Claim Objection

Claim 5 has been objected to. The Office Action suggests that the claim be re-written to express that the code-reading terminal according to claim 4 "is a cellular phone." The claim currently recites "a cellular phone comprising the code-reading terminal according to claim 4."

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Because a cellular phone may include components other than a code-reading terminal, Applicants respectfully traverse this objection. The claim, as it currently stands, indicates that the cellular phone includes, among other things, the code-reading terminal of claim 4, based on the term "comprising."

Applicants request reconsideration and withdrawal of the objection.

Claim Rejection – 35 USC 102

Claims 1-11 have been rejected under 35 U.S.C. 102(a) as being anticipated by JP 2002-125008 ("Daisuke"). Applicants respectfully traverse this rejection.

Claim 1 is directed to an encoded data structure (e.g., Fig. 3) including a body portion and a header portion, wherein the header portion comprises a data identifier (e.g., D, 2 bytes) for identifying the type of data in the body portion (e.g., if the data does not include 00 or ff, it is identified as text).

The Office Action indicates that Daisuke discloses a cellular phone comprising a camera 111 for capturing a bar code image recorded on a recording medium, the image containing ring tone data and other data. The Office Action further indicates that Daisuke discloses means for extracting bit information encoded in the image and then interprets code information comprising the extracted bit information to obtain ring tone data, the ring tone data is registered in the phone memory or in a portable storage medium 112.

The Office Action concludes that, "The system of Daisuke is capable of performing all the functional and method steps of the claimed invention (see figures 1-3, abstract)."

The Office Action does not appear to point out what teaching in Daisuke corresponds to the claimed "data identifier" or "data identifying unit." During a telephone conversation, the Examiner indicated that the image of Daisuke itself might indicate that it contained ringer tone data, and thus would teach the claimed data identifier.

Applicants submit that Daisuke fails to teach at least a data identifier for identifying the type of data in the body portion of an encoded data structure.

Daisuke

Daisuke is directed to a pocket communication terminal having an image input function, and a function for the user to register a ring tone. In particular, the image input function includes a function to read an image optically. The image represents ringer tone data. The information coded in the image is decoded to obtain the ringer tone data.

The image shows a two dimensional code referred to as "Cyber Code," a trademark of Sony. The system of Daisuke is capable of recording and playing back a sequence of cyber codes for ringer tone data with, for example, four or more notes

(paragraph 0042). The sequence of consecutive cyber-codes are indicated by a flag bit among the 24 bits of a cyber-code.

Daisuke discloses that the code section of a cyber-code is 24 bits. According to Daisuke, one bit of the 24 bits of a cyber-code is a continuation flag bit indicating that the ring tone data is continued in another cyber code. Daisuke also indicates that a note is expressed by 7 bits (paragraph 0033; Drawing 4), such that a cyber code encodes three notes, totaling 21 bits (paragraph 0034; Drawing 5). Thus, the cyber-code encodes three notes (21 bits, plus 1 bit for the continuation flag bit, totaling 22 bits as ring tone data).

Differences over Daisuke

Claim 1 specifically recites a data identifier included in a header portion for identifying the type of data in the body portion. Applicants submit that although Daisuke does appear to teach a body portion encoded in an image, Daisuke fails to teach or suggest an identifier included in a header portion for identifying the type of data in the body portion. Daisuke's disclosed flag bit, for example, does not identify the type of data.

Furthermore, with respect to claim 2, as well as other independent claims, Applicants submit that Daisuke fails to teach or suggest the claimed "data identifying unit" for determining the type of encoded data.

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New Claims

Claims 12 and 13 have been added. Claims 12 and 13 recite further limitations of the data identifying unit of claim 4. Applicants submit that at least for the reasons above for claim 4, Daisuke fails to teach the features of claims 12 and 13, as well.
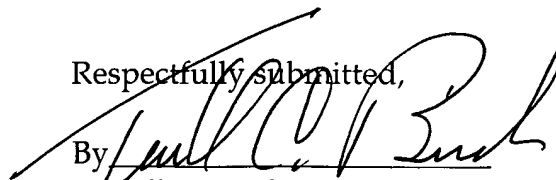
Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert Downs (Reg. No. 48,222) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: April 28, 2005   Respectfully submitted,

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